

Lindsay Cornish
Pyramid Liquor Licensing
By email to: lindsay@pyramidliquor.com.au

31 January 2024

Dear Mr Cornish

Application No.	APP-0009703290
Applicant	The Muglan Mart Pty Ltd
Application for	Packaged Liquor Licence PLL
Decision Date	25 July 2022
Licence name	Muglan Mart
Trading hours - approved	Monday to Saturday 09:00 AM – 10:00 PM Sunday 10:00 AM – 08:00 PM
Premises	507 Princes Highway Rockdale NSW 2216
Legislation	Sections 3, 11A, 12, 29, 40, 44, 45, and 48 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a packaged liquor licence – Muglan Mart

We **approve** the application under section 45 of the *Liquor Act 2007* (the Act) - with the conditions set out in Schedule 1. Preliminary advice of this decision was provided on 17 August 2022.

Trading on a Sunday that falls on 24 December

If a Sunday falls on the 24 December, the premises must not trade earlier than 09:00 AM.

Statement of reasons

Overall, we are satisfied that the social impact of approving the application will not be detrimental to the well-being of the local or broader community.

Our findings

Procedural and trading hour requirements

We are satisfied that:

- the application meets the Act's requirements for procedural fairness and trading period
- the sale of liquor would comply with the licence's authorisation
- sections 30 and 31 of the Act don't apply to this application.

'Fit and proper person'

The applicant is a 'fit and proper person' to operate the business to which the proposed licence relates, as law enforcement agencies raised no concerns about their integrity.

Responsible service of alcohol

Procedures for the responsible service of alcohol will be in place at the premises from the start of licensed trading, under the plan of management and the conditions on the licence.

Development consent requirements

Formiga 1 Pty Ltd approved the Complying Development Certificate S220203-CDC for the premises on 19 May 2022.

Community impact

Local and broader communities

The relevant 'local community' is the suburb of Rockdale, and the relevant 'broader community' comprises the Local Government Area of Bayside.

Diversity and density of licensed outlets

L&GNSW Liquor & Gaming LiveData Report for Rockdale shows:

- there are 19 authorised liquor licenses, comprised of: 4 packaged liquor licences, 3 registered club licences, 2 hotel licences, 2 producer/wholesaler licences, 7 on-premises licences and 1 small bar licence
- the saturation of packaged liquor licences in Rockdale is lower compared to the Bayside LGA and to all of NSW

Crime data (annual rate per 100,000 residents)

BOCSAR data showed that in the year to March 2022:

- the premises were located in high-density crime hotspots for incidents of non-domestic assault, alcohol-related assault, and malicious damage to property, and a medium-density hotspot for incidents of domestic assault
- alcohol-related domestic and non-domestic assault, and incidents of malicious damage in Rockdale and the Bayside LGA were lower compared to all of NSW.

Alcohol-related health data (per 100,000 residents)

HealthStats NSW data showed that:

- alcohol-related deaths in the Bayside LGA were lower compared to the NSW average
- alcohol-related hospitalisations in the Bayside LGA were lower compared to the NSW average.

ABS Socio-Economic Index for Areas (SEIFA)

Rockdale was ranked as neither advantaged nor disadvantaged and the Bayside LGA was ranked as advantaged in terms of household income and residents in skilled occupations compared to other suburbs and LGAs in NSW.

Business model

The applicant seeks to operate a standalone bottle shop in the suburb of Rockdale, adjoining a larger Indian/Nepalese supermarket/mixed retail store known as Muglan Mart, which has a separate owner. The retail spaces with the mixed retail area are sub-let to tenants by the owner of the supermarket. There is a solid wall and door separating the bottle shop from the adjoining supermarket/mixed retail store. The door is capable of being locked at any time the bottle shop is not trading.

Benefits proposed by applicant

The applicant proposes that the liquor store will be relatively small, selling a low volume of alcohol, and will be operated by experienced liquor licence operators. Further, the location adjacent to a Nepalese supermarket will provide convenience to customers for "bundling groceries and liquor together from the same location".

Stakeholder submissions

We considered the submissions from:

- NSW Police Force, dated 15 March 2022, recommended a condition for the liquor plan of management but raised no objection
- Local Council, dated 14 May 2022, raised no objection or concerns, if the hours permitted under the SEPP aligned with the applicant's proposed hours of operation
- L&GNSW - Compliance, dated 10 February 2022, no formal submission made
- NSW Health, dated 16 March 2022, objected to the application and were concerned, about the over saturation and clustering of liquor availability in the local community; the venue's proximity to 2 hotels, 2 clubs and 1 other packaged liquor store within a 300-metre radius; the venue being on a busy arterial road, with bus and tram access and the presence of high commuter traffic and pedestrian activity. They requested conditions be included in the licence.

We also considered the applicant's submission in response to these submissions, which notes that, the saturation increase of liquor outlets was consistent with the population growth; and the other packaged liquor licence outlets face the Princes Highway. Proximity to the bus station is only relevant if the licence was proposing to offer consumption on premises. There is no evidence that public/street drinking is an issue in the vicinity of the venue.

Findings of concern

There is a risk that in granting the licence, liquor sold from the premises could contribute to an increase in alcohol-related crime, health and other social and amenity issues in the local and broader communities, and in other areas of the State.

However, we considered the risks to be mitigated by the:

- low crime rates in Rockdale for alcohol related domestic and non-domestic assault and malicious damage
- low saturation rate of packaged liquor licences in Rockdale compared to all of NSW
- lower rate of alcohol-attributable hospitalisations and deaths in the Bayside LGA compared to all of NSW
- indication of an average level of socio-economic advantage in Rockdale and an above-average level of socio-economic advantage in the Bayside LGA
- licence condition regarding no pavement placed advertising mitigating the risk of commuters purchasing liquor and immediately consuming it on public transport
- harm-minimisation measures outlined in the plan of management and licence conditions, as set out in Schedule 1.

The material we considered

We considered all the material we received about the application, including:

- completed application dated 4 February 2022
- completed Category B Community Impact Statement (CIS) dated 22 November 2021
- completed certifications of advertising dated 10 February 2022
- plan of management documents for the premises, titled Plan of Management and dated 30 June 2022

- ASIC business records for the Applicant and associated companies
- floor plan for the premises, dated 22 November 2021, indicating the proposed licensed area.

Under [Guideline 6](#), we also considered: data published by Bureau of Crime Statistics and Research (BOCSAR), NSW Department of Health and Australian Bureau of Statistics (ABS), and relevant L&GNSW liquor licensing records.

Other relevant material

- submissions received
- correspondence between L&GNSW staff and the applicant between 9 February 2022 and 30 June 2022 in relation to the assessment of the application
- Google map images extracted from the Google website showing the location and photos of the premises in map view.

This decision will be published on the [Liquor & Gaming NSW website](#).

If you're not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after being notified that the decision is published on the [Liquor & Gaming NSW website](#). There is a fee to lodge the application.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the [NCAT website](#).

If you have any questions

Please contact the case manager, Leonie Jennings, at leonie.jennings@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Sarah Dinning

Deputy Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

**Schedule 1 – Licence conditions to be imposed
Muglan Mart**

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 03:00 AM and 09:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2.	Restricted trading	Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 8:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday
3.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
4.	Plan of Management	The premises is to be operated at all times in accordance with the Plan of Management dated 30 June 2022 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
5.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises (“the premises”) in accordance with the following requirements: <ol style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the premises is required to close, b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system’s cameras must cover the following areas: <ol style="list-style-type: none"> i. all entry and exit points to the premises, and ii. all publicly accessible areas (other than toilets) within the licensed premises. 2. The licensee must also: <ol style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days, b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and

No.	Condition to be imposed	Description
		c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
7.	Public Holiday trading hours	The licensed premises must cease to trade by 8:00 PM, on public holidays.
8.	Advertising placement	Limited shopfront and no pavement placed advertising space is to be used due to exposure of commuting school children